IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Crl.Rev.Pet.No. 982 of 2000()

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MC.29/1997 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM

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REVN. PETITIONER(S):

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P.P.MASHUHOOR THANGAL,
APPEARING THROUGH POWER OF ATTORNEY HOLDER,
P.P.SAINUL ABDHEEN THANGAL,
PUTHIYA VEETTIL HOUSE,
KOCHANGADI, KOCHIN – 2.

BY ADV. SRI.C.KHALID
SRI.N.GOPINATHA PANICKER
SRI.P.VISWAMBARAN
SRI.R.O.MUHAMED SHEMEEM

RESPONDENT(S):

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P.A.HINDU BEEVI,
PADINJAKARA MELE THAKYAVU,
VATTEKUNNAM, KALAMASSERY.

ADV. SRI.T.M.ABDUL LATHEEF

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21.3.2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.HEMA, J.**

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**Crl.R.P. No.982 of 2000**

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**Dated 21st March, 2007.**

**O R D E R**

The revision petitioner is the respondent in a petition filed before the Magistrate Court making certain claims under Section 3 of the Muslim Women (Protection of rights on divorce) Act, 1986. An ex parte order was passed but it was set aside and subsequently objection was filed contending that the court has no territorial jurisdiction etc. The court found that there is territorial jurisdiction and on analysis of the evidence on record, particularly the unchallenged testimony of PW1, it was also found that the revision petitioner did not adduce any evidence substantiating his contention that the petitioner is residing outside the jurisdiction of the court.

2. From the evidence given by PW1 it can be seen that her house is situated within the jurisdiction of the court below at Edappally. The court below rejected the contention regarding jurisdiction, since that plea was raised at a belated stage. On going through the evidence of PW1, which remains undiscredited and on going through the impugned order of the court below, I find that all the requirements to substantiate a

claim under Section 3 of the Act have been made out. The court below is correct in directing the various payments to be made by the revision petitioner to the respondent.

3. The order under challenge does not deserve any interference. Though this case was posted twice for disposal and today finally for disposal, revision petitioner and counsel are absent on three consecutive postings. Learned counsel for respondent submitted that the matter is settled out of court and money was also received by the respondent-wife. I am satisfied of the submissions made by learned counsel for respondent.

This petition is dismissed.

**K.HEMA, JUDGE.**

**Krs**